

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 13, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF: 08od148

Oahu

Amend Prior Board Action dated December 12, 2008, Agenda Item D-21;
Amendment of Grant of Easement bearing Land Office Deed No. 27464 to
Chevron U.S.A. Inc. for a Brine Water Discharge Pipe Purposes;
Honouliuli, Ewa, Oahu, Tax Map Key (1) 9-1-014: seaward of 010.

BACKGROUND:

The subject perpetual, non-exclusive easement (LOD 27464) was issued in 1985 subject to a payment of \$130 for 260 square feet. Recently, the Department was informed by the land surveyor hired by the grantee that the width of the easement is actually four (4) feet wide occupying an area of 520 square feet, i.e. twice the easement area covered by LOD 27464. The grantee requested an amendment to the original grant to reflect the actual square footage.

On December 12, 2008, under agenda item D-21 (Exhibit A), an amendment to LOD 27464 was approved by the Board to include the additional area. Further, the 2008 Board action authorized a consideration of \$130 for the additional area, which equates the amount paid for the original 260 square feet in 1985.

During the preparation of the document, the Department of the Attorney General (AG) disapproved the request and cited the need for an updated appraisal for the additional easement area.

In view of the AG's comment, staff is asking the Board amend its December 12, 2008 approval by requesting an appraisal based on current value on the additional area. The cost of the appraisal shall be borne by Chevron U.S.A., Inc.

RECOMMENDATION: That the Board amend its prior action of December 12, 2008, item D-21, by replacing Recommendation B with "An appraisal based on current value for the additional area at the applicant's cost".

Respectfully Submitted,



Timothy Chee
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson

D-8

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 12, 2008

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Amendment of Grant of Easement bearing Land Office Deed No. 27464 to
Chevron U.S.A. Inc. for a Brine Water Discharge Pipe Purposes;
Honouliuli, Ewa, Oahu, Tax Map Key (1) 9-1-014: seaward of 010.

BACKGROUND:

The subject perpetual, non-exclusive easement was approved by the Board on May 27, 1983 and Land Office Deed No. (LOD) 27464 was issued to the grantee subsequently. The existing agreement covers a strip of land two (2) feet wide with a total area of 260 square feet. The grantee paid the consideration of the easement for a lump sum payment of \$130.

A recent shoreline survey reveals that the existing brine water discharge pipeline is located outside of the easement area. The grantee now requests an amendment of LOD 27464 to include the additional area. According to the latest survey map attached to Exhibit A, the width of the easement is actually four (4) feet wide occupying an area of 520 square feet, i.e. twice the easement area of LOD 27464. According to the consultant for the grantee, since the easement commenced in 1984, the area was 520 square feet.

Department of Planning and Permitting, State Historic Preservation Division, Department of Facilities Maintenance, Board of Water Supply, Division of Aquatic Resources, and Office of Conservation and Coastal Lands have no objections/comments to the subject request. The Department of Health, Commission on Water Resource Management, and Office of Hawaiian Affairs have not submitted any response as of the suspense date.

The grantee is in compliance with the terms and conditions of LOD 27464. Staff recommends the Board authorize the requested amendment subject to a payment of \$130, due to the doubling easement area, plus other applicable document and map fees.

Further, the consideration amount shown on LOD 27464 is \$1.00 which does not represent the consideration of \$130 actually paid by grantee in 1984. There is a

EXHIBIT "A"

December 12, 2008


D-21

receipt in the file confirming the grantee paid \$130 toward the consideration for the subject easement. For record purposes, staff recommends the Board authorize an amendment of LOD 27464 to correctly reflect the consideration paid by the grantee.

RECOMMENDATION: That the Board authorize the amendment of Grant of Easement bearing Land Office Deed No. 27464 to Chevron U.S.A. Inc. subject to the following:

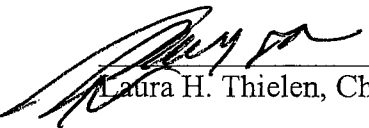
- A. Revise the consideration mentioned in LOD 27464 dated January 7, 1985 to \$130;
- B. Payment of additional consideration in an amount of \$130;
- C. Review and approval by the Department of the Attorney General;
and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timothy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

